

## Message Text

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ACTION L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 AF-10 ARA-10 EA-10 NEA-10

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FM USMISSION USUN NY

TO SECSTATE WASHDC 8144

INFO AMEMBASSY MOSCOW

AMEMBASSY LONDON

AMEMBASSY PARIS

UNCLAS USUN 5665

E.O. 11652: N/A

TAGS: UN PFLOR

SUBJ: UNGA LEGAL COMITE: CHARTER REVIEW

1. SUMMARY: LEGAL COMITE BEGAN CONSIDERATION 3 DEC OF CHARTER REVIEW ITEM. FON MIN ROMULO (PHILIPPINES) GAVE LENGTHY IMPASSIONED PLEA FOR ESTABLISHMENT OF AD HOC COMITE TO DISCUSS ISSUE. VARIOUS DELS SUPPORTED. POLAND SPOKE AGAINST AND JORDAN ARGUED AD HOC COMITE NOT APPROPRIATE FORUM TO CONSIDER CHANGES IN CHARTER. END SUMMARY.

2. SPEAKING FROM VANTAGE OF BEING ONE OF UN FOUNDERS, FON MIN ROMULO (PHILIPPINES) GAVE LENGTHY, VERY WELL DEVELOPED, ARGUMENT FOR NEED TO CONSIDER CHANGES IN CHARTER. HE NOTED CHANGES IN WORLD SINCE ESTABLISHMENT OF UN, INCLUDING, PARTICULARLY, THE DEVELOPMENT OF A NEW INTERNATIONAL ECONOMIC ORDER, AND THE ACCELERATING PACE OF CHANGE IN WORLD AS REASONS FOR UN TO REVIEW CHARTER, LEST WORLD "PASS US (UN) BY". ROMULO EMPHASIZED HE AND COSPONSORS WERE SPEAKING OF "ADJUSTMENT AND UNCLASSIFIED

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IMPROVEMENT" AND "NOTHING ELSE". ROMULO, AS ONE OF

FOUNDERS, DOES NOT WISH TO INJURE UN, AND THOSE WHO SAY HE DOES ARE THOSE WHO WISH UN TO REMAIN IN 1940S. FOR UN TO REMAIN CENTRAL TO MANKIND IT MUST GROW AND CHANGE.

3. ROMULO STATED THAT ONLY 51 STATES REPRESENTED IN UN AT TIME OF FOUNDING, AND THAT SOME WHOLE GEOGRAPHIC REGIONS WERE NOT REPRESENTED. SINCE THEN 87 MEMBERS HAVE JOINED. HE RECALLED THAT AS RESULTS OF SYG REQUEST FOR COMMENTS, MANY STATES (38) HAVE EXPRESSED INTEREST IN REVIEW OF CHARTER, INCLUDING INTEREST IN ESTABLISHMENT OF APPROPRIATE BODY TO CONSIDER MATTER.

4. ROMULO STATED THAT ALL STATES ACKNOWLEDGE INTRINSIC VALUE OF CHARTER AND NO ONE SEEKS VIOLATE ITS INTEGRITY. NO ONE IS ADVOCATING CONVOCAION OF A GENERAL REVIEW CONFERENCE UNDER ARTICLE 109. PHILIPPINES, AND COSPONSORS, WANT A STEP BY STEP CONSIDERED APPROACH TO IMPROVING CHARTER AND TO BRING IT IN LINE WITH TODAY'S REALITY. SINCE PROPOSED AD HOC COMITE WOULD REPORT TO GA, AND GA ONLY IF IT DECIDED ON AFFIRMATIVE ACTION WOULD HAVE TO SEEK SECURITY COUNCIL RATIFICATION, THERE ARE MANY SAFEGUARDS IN THIS PROCESS, AND NO ONE CAN REASONABLY OPPOSE A DESIRE OF STATES TO DISCUSS SPECIFIC PROPOSALS IN AD HOC COMITE CONTEXT.

5. IN SUGGESTING SPECIFIC ISSUES AD HOC COMITE MIGHT CONSIDER, ROMULO LISTED: (A) ANACHRONISTIC REFERENCE IN CHARTER TO "ENERGY STATES"; (B) PROVIDING MACHINERY FOR PEACEFUL SETTLEMENT OF DISPUTES; (C) IMPROVING REPRESENTATIVE CHARACTER OF SECURITY COUNCIL; (D) INCREASING EFFECTIVENESS OF ICJ; (E) STRENGTHENING ECOSOC; AND (F) NATIONALIZING AND IMPROVING UN MACHINERY ON HUMAN RIGHTS. THESE TOPICS MIGHT OR MIGHT NOT INVOLVE AMENDMENT OF THE CHARTER.

6. ROMULO AGREED THAT ULTIMATE VALUE OF UN IS RELIANT UPON GOOD WILL OF STATES RATHER THAN MERELY MOST EFFICIENT ORGANIZATIONAL MACHINERY; NONETHELESS, HE SUBMITTED WE ARE OBLIGED TO DEVELOP BEST MACHINERY POSSIBLE.

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7. ROMULO REMARKED FORCEFULLY THAT HE INSISTS RPT INSISTS THAT UN ACT TO DEVELOP IMPROVEMENT OF UN -- AND, TO THAT END HE WILL, IF NECESSARY, RETURN TO EVERY GA THAT REMAINS TO MAKE THIS POINT. HE CONCLUDED BY FORMALLY REQUESTING HIS DRAFT RES BE GIVEN PRIORITY OVER SOVIET DRAFT RES WHICH WAS TABLED FIRST, AS WELL AS OVER ANY OTHER DRAFT RES TABLED ON CHARTER REVIEW.

8. PHILIPPINE REMARKS ECHOED OR SUPPORTED BY SIERRA LEONE, COLOMBIA, ALGERIA, JAPAN, CHINA, NIGERIA, EL SALVADOR AND ITALY.

9. COLOMBIA REFERRED TO TRIPLE VETO IN SECURITY COUNCIL ON SOUTH AFRICA AS CRITICAL JUNCTURE FOR UN EMPHASIZING NEED TO REVIEW CHARTER, SINCE ACT OF THREE STATES IMMOBILIZED UN IN SPITE OF LARGE NUMBER OF GA RESOLUTIONS CALLING FOR ACTION AND SUPPORTED BY LARGE NUMBER OF STATES.

10. ALGERIA STATED IT HAD IMPRESSION CHARTER BELONGS ONLY TO A FEW PRIVILEGED STATES.

11. JAPAN APPLAUDED ROMULO REMARKS, SAYING ANY ATTEMPT TO THWART CONSIDERATION OF REVIEW OF CHARTER WILL GIVE RISE TO DISCONTENT AND STEAMROLL TACTICS. JAPAN AGREES WITH BRINGING CHARTER UP TO DATE IN ORDER TO STRENGTHEN IT INSTITUTIONALLY. CHANGES WHICH HAVE LONG TERM BENEFICIAL EFFECT SHOULD BE PURSUED, NOT THOSE INVOLVING SHORT TERM GAINS FOR SOME. RADICAL CHANGES GIVING RISE TO SERIOUS DISILLUSIONMENT BY SOME MEMBERS WILL SERVE NO USEFUL PURPOSE; THOUGH MEMBERS SHOULD NOT FLATLY REJECT SPONTANEOUS DESIRES FOR CHANGE.

12. ITALY, NOTED IT WAS ONE OF 87 NEW MEMBERS SINCE BEGINNING OF UN, AND NOTED ALSO THAT WORLD HAS CHANGED GREATLY SINCE 1945, WITH EMERGENCE OF MANY STATES, MANY STRUGGLES FOR SELF-DETERMINATION, ETC. ITALY CONCLUDED THIS MEANT UN MUST EXAMINE WHETHER CHARTER REMAINS APPROPRIATE FOR PRESENT DAY NEEDS OF INTERNATIONAL COMMUNITY. SHEER RESPECT OF GOVERNMENTS INVOLVED REQUIRES THAT THEIR VIEWS BE CONSIDERED. ITALY WENT ON TO NOTE THAT

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"ONLY ONE GEOGRAPHIC GROUP" HAS OPPOSED CHARTER REVIEW AND THAT GROUP CONSTITUTES LESS THAN 10-0/0 OF THE UN. HE CONCLUDED THAT IF REVIEW IS NOT UNDERTAKEN, UN MAY FIND REAL DANGER OF BEING "DOOMED TO IRRELEVANCE".

13. CHINA MADE LENGTHY INTERVENTION OF MINOR SUBSTANCE, REFERRING REPEATEDLY TO THE SUFFERINGS CAUSED BY COLONIALISM, IMPERIALISM, HEGEMONY, POWER POLITICS, AND/OR SUPERPOWER SABOTAGE IN THE UN. CHINA NOTED CHANGE IN WORLD REQUIRED CHANGE IN UN AND CONSIDERED THAT UN SIXTH SPECIAL SESSION AND CARACAS CONFERENCE WERE PARTICULAR EXAMPLES OF NEW VOICE AND STRENGTH OF THIRD WORLD VS THE SUPER POWERS.

14. POLAND AND JORDAN SPOKE AGAINST ROMULO DRAFT RES.

POLAND NOTED ONLY 38 STATES HAVE GIVEN WRITTEN RESPONSES  
TO REQUEST FOR VIEWS ON CHARTER REVIEW, MEANING THAT  
100 STATES ARE UNDECIDED ON QUESTION. ISSUE THUS IS  
NOT RIPE FOR LEGAL COMITE CONSIDERATION. POLAND SUPPORTED  
SOVIET DRAFT RES FOR POSTPONEMENT. ADDITIONALLY, POLAND  
ARGUED CHARTER IS A TREATY AND PROCEDURE FOR ITS REVISION MUST  
BE IN ACCORDANCE WITH ITS PROVISIONS, I.E. UNDER CHAPTER  
18 OF CHARTER. JORDAN REINFORCED LATTER POINT, STATING  
IF STATES BELIEVE IT IS NECESSARY TO REVISE  
CHARTER, APPROPRIATE MACHINERY MUST BE FOLLOWED AND LATTER  
WOULD BE DIPLOMATIC CONFERENCE OF HIGHEST LEVEL. AD HOC  
COMITE APPROACH IS NOT APPROPRIATE.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW, COMMITTEES, UN CHARTER  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 DEC 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
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**Disposition Event:**  
**Disposition History:** n/a  
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**Disposition Remarks:**  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
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**Previous Channel Indicators:** n/a  
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**Review Action:** RELEASED, APPROVED  
**Review Authority:** izenbei0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 03 OCT 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <03 OCT 2002 by ReddocGW>; APPROVED <13 FEB 2003 by izenbei0>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** UNGA LEGAL COMITE: CHARTER REVIEW  
**TAGS:** PFOR, UN  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005